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| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections, & Security |
| **Course Name** | Principles of LPSCS |
| **Lesson/Unit Title** | The Making of Laws |
| **TEKS Student Expectations** | **130.332. (c) Knowledge and Skills**(8) The student understands the historical and philosophical development of criminal law. (A) The student is expected to identify the sources and origin of law in the United States.(B) The student is expected to explain the impact of the U.S. Constitution and Bill of Rights on criminal law in regard to the rights of citizens.(C) The student is expected to differentiate between crimes classified as felonies or misdemeanors and the punishments for each.(D) The student is expected to analyze the essential elements and classifications of a crime.(E) The student is expected to identify problems commonly associated with the enforcement of criminal laws.(F) The student is expected to identify the process by which laws are enacted. |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | The students will be able to:* Identify the sources and origins of laws in the United States.
* Explain the impact of the United States Constitution and Bill of Rights on criminal law in regard to the rights of citizens.
* Analyze the impact of constitutional law on the police as it relates to arrest, use of force, and search and seizures.
* Differentiate between crimes classified as felonies or misdemeanors and the punishments for each.
* Analyze the essential elements and classifications of a crime.
* Identify the problems commonly associated with the enforcement of criminal laws.
* Outline the process by which laws are enacted.
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| **Rationale** | Students must understand the history of our laws and the impact that each one has on our rights as citizens of the United States. It is important to know the source of our laws, and the elements and classifications of crimes. |
| **Duration of Lesson** | 6 Hours |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | * The Making of Laws computer-based presentation
* Landmark Supreme Court Cases Worksheet and Key
* Penal Code Project Sheet
* Alternative Project Options
* Computers with Internet access
* Art Supplies
* The Making of Laws Exam and Key
* Penal Code Project Rubric
* Discussion Rubric
* Individual Work Rubric
* Presentation Rubric
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Give each student a Landmark Supreme Court Case Worksheet. Students will research the news using computers with internet access. They may work in pairs or individually. Students will look up each of the Supreme Court cases and match the findings of the court to the associated case. Use the Landmark U.S. Supreme Court Decisions Worksheet Key for assessment. |
| **Direct Instruction \*** |

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| I. Sources of LawA. Federal – these laws come from the U.S. Constitution, U.S. Criminal Codes, Judicial decisions (case law), and executive orders from the President.B. State – these laws come from state constitutions, state criminal codes, and common law.C. Local – these laws come from city and county charters, city and county ordinances, common law, and judicial decisions interpreting codes (case law).II. Historical OriginsA. The Code of Hammurabi – the earliest example of legal codes governing both criminal and civil cases. 282 codes from early Babylon.B. The Magna Carta – secured civil and criminal rights for Englishnoblemen, and is similar to America’s Bill of RightsC. English Common Law – unwritten, simply stated laws based on traditions and common understandings from a time when most people were illiterateD. The English Bill of Rights – established certain, guaranteed freedoms of citizensIII. The Bill of Rights’ Influence on Criminal LawA. First Amendment – establishes fundamental freedoms to express oneselfB. Second Amendment – gives citizens the right to arm themselves and protect their propertyC. Fourth Amendment – governs all laws relating to arrest, search and seizure, and the rights citizens have to privacy1. The authority for arrest comes from the [Code of Criminal Procedure (CCP) 15.22](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.15.htm#15.22)2. The elements of arrest (See Activity 1)a) Intentb) Authorityc) Custody (Seizure or Detention)d) Understanding of subject3. Levels of proof4. Guidelines for arresta) An arrest may be made anytime of the day or night [(CCP 15.23)](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.15.htm#15.23)b) When making an arrest, all reasonable means are permitted to affect it. No greater force, however, shall be resorted to than is necessary to secure the arrest and detention of the suspect [(CCP 15.24).](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.15.htm#15.24)5. Temporary detentiona) Reasonable suspicionb) Activity occurring/just occurredc) Person connected to the activityd) Limited timee) Florida v. Royer1) Investigative detention2) No longer than necessary3) The scope of the detention matches the justification6. Stops are justified ifa) No “fitting” time or placeb) Description of a wanted personc) Emotional, frightened, or intoxicatedd) Running, furtive movementse) Loitering, hanging out, or acting as a “look out”f) Crime scene area7. Terry Frisk*a) Terry v. Ohio*b) Unusual Conductc) May be armed and dangerousd) Protection of self and otherse) Suspicion of crime and the weapon to be usedf) Careful pat of outer clothingg) Alone and no backuph) Emotions or behavior of suspects8. Search –prying into hidden places for that which is concealed9. Search warrant requirementsa) Definition [(CCP 18.01)](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.18.htm#18.01)b) Neutral and detached magistratec) Probable cause or stalenessd) Sworn affidavite) Must include1) The specific offense committed2) The specific property to be seized3) The property is at a place to be searched10. Search beyond a warranta) Protective sweepb) Prevent the destruction of evidencec) Discover more, or possible, evidence in plain view elsewhere on the propertyd) Hunt for evidence or contraband that, as a result of the initial search, is believed to exist in another location on the property11. Exceptions to search warrantsa) Vehiclesb) Open fieldsc) Anything with consentd) Abandoned propertye) Inventoryf) Plain view12. Searches at schoolsa) Backpack searchesb) Locker searchesc) Vehicles searchesd) Strip searchese) The use of metal detectorsf) The use of drug dogsg) Consent to search13. Plain View Doctrine*a) Coolidge v. New Hampshire*b) The initial intrusion must be lawful or in proper position to view the property.c) The discovery must be inadvertent.d) It must be immediately apparent that the items are evidence of a crime, contraband, or subject to seizure.14. The Exclusionary Rule [(CCP 38.23)](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.38.htm#38.23)a) No evidence shall be admitted into a criminal trial that was obtained in violation of constitutional rights.b) Mapp v. Ohioc) Illegally seized evidence could be excluded from both state and federal casesD. Fifth Amendment1. Grand jury2. Double jeopardy3. Self-incrimination4. Due process5. Just compensation for government takingsE. Sixth Amendment1. Speedy and public trial2. Impartial jury3. Informed of nature and cause of the accusation4. Confrontation of witnesses5. Compulsory process of witnesses6. Right to an attorneyF. Eighth Amendment1. No excessive bail2. No excessive fines3. No cruel and unusual punishmentIV. Elements of a crimeA. Actus Reus1. The action of a person committing a crime as defined by law, the acts are voluntary, and it can be failure to act. The actus reus of some crimes does not require a bodily or physical action and can consist of verbal actions.2. The criminal intent of a crime may be the failure to act when a legal duty to act exists.3. Possession of an illegal or prohibited item can constitute actus reus.a) Constructive possession – does not have physical or actual possession of an illegal item but exercised care, custody or control over the contraband, knowing it was illegalb) Knowing possession – a person has actual possession and knows that the item is illegal.c) Mere possession – a person has actual possession of an illegal item, but does not know it is illegal.B. Mens Rea1. The state of mind and intent of a person committing the act of a crime (actus reus)a) General intent – the logical outcomes associated with a criminal actb) Transferred intent – a person injured another but did not intend to harm the other party.c) Constructive intent – the actor did not intend to harm anyone but should have known that his or her behavior created a high risk of injury.2. Strict liability – actions do not require criminal intent to be defined as crimes, such as parking violationsC. Inchoate Offenses1. Solicitation – the incomplete crime: urging, requesting, or commanding another person to commit a crime2. Conspiracy – a criminal act requiring no action other than communication3. Attempt – a criminal act amounting to more than mere preparationV. Classification of CrimesA. Misdemeanor – less serious criminal conduct punishable by incarceration for less than one year1. Class C – up to a $500 fine (ticket)2. Cannot be arrested fora) Speedingb) Open Container3. Class B – up to 180 days in jail and a $2,000 fine4. Class A – up to 2 years in jail and a $4,000 fineB. Felonies1. State Jail (SJF) – 180 days-2 years and a $10,000 fine2. 3rd degree – 2-10 years in prison and a $10,000 fine3. 2nd degree – 2-20 years in prison and a $10,000 fine4. 1st degree – 5-99 years in prison and a $10,000 fine5. Capital – death or life without paroleC. Crimes Against Persons – crimes that target a person as a victim of the crime1. Homicide2. Robbery3. Sexual Assault4. AssaultD. Crimes Against Habitations – crimes associated with one’s dwelling or associated building1. Burglary2. Arson3. Criminal trespassE. Crimes Against Property – crimes associated with one’s belongings1. Theft2. Forgery3. Fraud4. Criminal Mischief5. Reckless Damage6. Graffiti7. Unauthorized Use of a Motor vehicleF. Crimes Against Public Order1. Public Intoxication2. Disorderly Conduct3. Riot4. Harassment5. Cruelty to Animals6. Dog FightingG. Crimes Against Public Morals1. Prostitution2. Possession of child pornography3. Gambling4. Driving while intoxicated5. Engaging in organized crimeH. Problems with enforcement – the justice system is overseen by laws which we are to follow. Such laws can come from court procedures, rules of evidence, and police procedures.I. Rules of Evidence – stipulate the requirements for introducing evidence, and define the qualifications of an expert witness and the nature of the testimony he or she might giveJ. Exclusionary Rule – prohibits the use of evidence or testimony obtained in violation of the U.S. ConstitutionK. Fruit of the Poisoned Tree Doctrine – extends the exclusionary rule to secondary evidence obtained indirectly in an unconstitutional searchVI. Procedures for Enacting LawsA. The idea is formatted in the written form of a Bill.B. The Bill is sent to a congressional committee.C. The Bill goes to the House for a vote; if it does not pass, it dies.D. If the Bill passes the House vote, it proceeds to the Senate.E. The Senate passes the Bill.F. The bill is sent to the President for a signature.G. If the President fails to sign, the Bill goes back to the committee.H. If the President signs the Bill, it becomes law. |

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **Guided Practice \*** | Do an Internet search for the following: video arrested Texas style. Watch the video and discuss the elements of arrest and how they apply to this video. Use the Discussion Rubric for assessment.*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, students will find articles in the newspaper or online that list charges filed on a suspect, and then categorize the crimes by type (crimes against persons, crimes against habitations, etc.). Use the Individual Work Rubric for assessment.  |
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| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \***  | * Penal Code Project
* Alternative Project Options
* The Making of Laws Exam

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **References/Resources/****Teacher Preparation** | Texas Penal Code <http://www.statutes.legis.state.tx.us> Bill of Rights <http://www.archives.gov/exhibits/charters/charters.html>  |
| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **Recommended Strategies** |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy****Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies****Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication****90 Second Speech Topics** |  |
| **Other Essential Lesson Components** |
| **Enrichment Activity**(e.g., homework assignment) | For enrichment, have the students read Chapter 14 and 15 in the Code of Criminal Procedures, and list requirements for both arrest warrants and search warrants. They should also identify when a warrant is needed and when it is not. Use the Individual Work Rubric for assessment |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)